



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 02-2049

August 22, 2002

MEDIA BUREAU ANNOUNCES INTERIM FILING AND CERTIFICATION REQUIREMENTS REGARDING SUBMISSION OF CONTRACTS WITH ASSIGNMENT/TRANSFER OF CONTROL APPLICATIONS

The Instructions to FCC Forms 314 (Application for Consent to Assignment of Broadcast Station Construction Permit or License), 315 (Application for Consent to Transfer Control of Entity Holding Broadcast Station Construction Permit or License), and 316 (Short-Form Application for Consent To Assign Broadcast Construction Permit or License or Transfer of Control of Entity Holding Broadcast Station Construction Permit or License) currently require the filing of “a complete and final copy of the unredacted contract for the sale of the authorizations . . . , including all exhibits and attachments.” Applicants also must certify whether they have complied with this requirement.

In a *Memorandum Opinion and Order* released today, the Commission concludes that the contract submission requirements should be relaxed to permit applicants to exclude contract attachments that are not material to the Commission’s analysis of the transaction and directs the staff to revise the Forms’ Instructions and certifications accordingly.¹ Until the revised Forms are issued, the Media Bureau hereby announces interim filing and certification procedures, effective immediately, as set forth in the *LUJ Decision*.² Applicants that submit a complete and final copy of the sales contract, including all exhibits and attachments, may respond “Yes” to the applicable Item of the relevant Form.³ Applicants -- Assignors/Licensees/Transferors and Assignees/Transferees alike -- that choose to omit certain of the transaction documents which contain information that is not material for Commission processing purposes must respond “No” to the applicable Item of the Form. In the latter circumstance, applicants must also submit an exhibit describing each of the omitted documents, stating both the specific reason(s) for the

¹ See *LUJ, Inc., Assignor*, FCC No. 02-235 (released August 22, 2002) (the “*LUJ Decision*”) ¶ 7.

² See *id.* ¶ 8.

³ In Form 314, for example, the applicable Items are Item 3 in Section II for the Assignor, and Item 3 in Section III for the Assignee.

omission and the basis for the determination that the omitted documentation is not material to the Commission's consideration of the subject application. Examples of documents that normally would not be material to the Commission's processing of the application are employee benefit plans and lists of vendor supply contracts being assumed by the buyer.

We remind applicants that the failure to submit documentation containing all material terms of an agreement for the assignment or transfer of control of a broadcast authorization, including the sales price, will delay processing of the application and may result in the Bureau providing the public with an additional thirty-day public comment period following the submission of all such documentation.

Action by the Chief, Media Bureau